

Memorandum

To: Planning Commission Members
From: The Development Department
CC: Honorable Members of City Council, Clerk of Council, City Departments
Date: August 1, 2013
Re: Staff Report for Sunny Street Café – Special Use Permit (Outdoor Seating)

Item #4 – Sunny Street Café – Special Use Permit (Outdoor Seating)
(PID# 201307100027)

Application: Special Use Permit
Location: 2788 London Groveport Road
Applicant: Rinzy and Kim Nocero
Zoning: C-2
Use: Restaurant

Relevant Code Section(s):

- 1135.09 (b) (12) Special Use Permits

Project Summary:

The applicant is proposing to install an outdoor seating area for Sunny Street Café at 2788 London Groveport Road. The seating area is proposed to be located in the existing landscape bed along the front of the building and approximately 360 square feet in area. The seating area would be accessed from the restaurant interior as well as a gate outside into the seating area and will be enclosed by a 4' black wrought iron fence. Five black wrought iron table and chair sets are proposed in the seating area. Materials state that no speakers or outside sound systems will be utilized in the seating area and no signage will be placed on the fence or table umbrellas.

Code Analysis:

Per Section 1135.09, the Planning Commission is responsible for reviewing Special Use Permit requests and recommending approval, approval with modifications or denial to City Council based on findings of compliance with the standards and requirements of this Code (*see relevant code sections*) and subject to the conditions established by the Planning Commission to ensure compliance with the letter and intent of this Code. The following is the Development Department's evaluation based on code standards and requirements.

1. *The proposed use shall be in harmony with the existing or intended character of the district and nearby affected districts and shall not change the essential character of the districts;*

Standard is Met: The proposed outdoor seating area will not change the essential character of the district. Multiple restaurants exist in the area of the proposed seating area and although they do not have outdoor seating, staff does not feel allowing outdoor seating is contrary to the intended character of the shopping center and area development.

2. *The proposed use shall not adversely affect the use of adjacent property;*

Standard is Met: The proposed seating area will not adversely affect the use of adjacent property. The site is bordered by vacant land to the east, the Groves at 665 apartment complex to the north and west, and the Taco Bell restaurant to the south across London Groveport Road. Although the seating area is proposed on a parcel adjacent to a residential development, the nearest residential structure is more than 250 feet away and on the opposite side of the restaurant structure from the seating area. Furthermore, no music or other outside sound system is proposed within the seating area.

3. *The proposed use shall not adversely affect the health, safety, morals, or welfare of persons residing or working in the neighborhood;*

Standard is Met: The proposed outdoor seating area will not adversely affect the health, safety, morals, or welfare of persons residing or working in the neighborhood. The proposed outdoor seating area will be located entirely within a fenced area adjacent to the building in the existing landscape area with the approximately six-foot wide sidewalk between the seating area and the parking lot drive aisle.

4. *The proposed use shall be served adequately by public facilities and services such as, but not limited to, roads, police and fire protection, storm water facilities, water, sanitary sewer, and school;*

Standard is Met: The proposed outdoor seating area will not place any further demand on public services.

5. *The proposed use shall not impose a traffic impact upon the public right-of-way significantly different from that anticipated from permitted uses of the district;*

Standard is Met: The outdoor seating area will not impact the public right-of-way.

6. *The proposed use shall be in accord with the general and specific objectives, and the purpose and intent of this Zoning Code and the Land Use Plan and any other plans and ordinances of the City;*

Standard is Met: The use is in accordance with the intent of all applicable code requirements and ordinances of the City.

7. *The proposed use complies with the applicable specific provisions and standards of this Code;*

Standard is Met: The use is in accordance with the intent of all applicable code requirements.

8. *The proposed use shall be found to meet the definition and intent of a use specifically listed as a special use in the district in which it is proposed to be located;*

Standard is Met: The site is located in a C-2 district, in which outdoor seating associated with eating and drinking establishments is permitted with a Special Use Permit.

9. *A completed application indicating the Specific Special Use permit activity intended by the applicant shall be submitted to the Department of Development by the Council approved submittal dates;*

Standard is Met: The applicant properly submitted a completed application.

Recommendation(s):

After review and consideration, the Development Department recommends Planning Commission make a recommendation of approval to City Council for the Special Use Permit as submitted.